



REGULAR MEETING MINUTES

**Wednesday, June 25, 2014
Art Pick Council Chambers
3900 Main Street, Riverside, CA**

REGULAR MEETING

PLEDGE OF ALLEGIANCE

Regular Meeting Roll Call

Rotker	Hawkins	Ybarra	Taylor	Ortiz	Jackson	Roberts	VACANT	Adams
✓	✓	✓	O	✓	✓	✓	■	✓

✓ = Present **B** = Absent / Business **S** = Absent / Sick **V** = Absent / Vacation **O** = Absent / Other
UE = Absent / Unexcused **L** = Late **LE** = Left Early **■** = Vacant

STAFF: Frank Hauptmann, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

Public Comments

Public comment on closed session items and any subject matter within the Commission's jurisdiction.

Ms. Angela Diaz addressed the Commission on her case.

Mr. Paul Chavez spoke to the Commission regarding the Jimenez OID. He expressed concerns that the involved officers didn't take the time to diffuse the situation they encountered. He was also concerned about the length of time it was taking for the Commission to begin its review of the case.

Chair Jackson told Mr. Chavez that the Commission only works on a specific number of OID cases at the same time. She noted that the Commission couldn't begin its review of the case until the casebook was received from RPD and that that hadn't happened yet. She also said that Commissioners were attending RPD's Mental Health Training provided for its officers.

Approval of Minutes

Minutes for Approval	Motion	Second	Approve	Oppose	Abstain
A) May Regular Meeting	Rotker	Roberts	Unanimous	0	0

Outreach

A) May / June Outreach

Chair Jackson opened by noting that because Commissioners had been reporting Outreach, Meetings, and Training under Outreach, a new agenda item, 'Meetings and Training Sessions', had been added so that Meetings and Training Sessions could be reported separately.

Vice-Chair Adams:

- June 18 – Touring "Operation Safehouse"
- June 19 – Residents for Responsible Representation (RRR) Meeting

Chair Jackson:

- June 5 – Eastside Group Community Forum at Bobby Bonds Park
- June 7 – Historic Woods Streets Quarterly Neighborhood Meeting
- June 18 – Touring "Operation Safehouse"
- June 19 – Residents for Responsible Representation (RRR) Meeting

B) Scheduled Outreach Events

There were no scheduled Outreach events.

C) Future Outreach Opportunities

- 1) Input from Outreach Coordinator on upcoming outreach events
- 2) Input from Commission Members on potential outreach events

None were noted.

Meetings and Training Sessions (New Category)

Reports from Commissioners on meetings and / or training sessions attended in May / June.

Vice-Chair Adams:

- June 6 – Mental Health Ad-hoc Committee Meeting
- June 11 – Outreach Ad-hoc Committee Meeting
- June 12 – Meeting with Chair Jackson
- June 17 – Meeting Chair Jackson and Mr. Hauptmann, CPRC Manager
- June 25 & 26 – Mental Health Training Sessions at Riverside Police Department

Commissioner Ortiz:

- May 28 – Policies, Procedures, & By-Laws Ad-hoc Committee Meeting
- June 11 – Outreach Ad-hoc Committee Meeting

Mr. Hauptmann, CPRC Manager:

- Meeting with Anaheim Police Department regarding the formation of a civilian oversight body in the City of Anaheim
- June 11 – Outreach Ad-hoc Committee Meeting

Chair Jackson:

- May 28 – Policies, Procedures, & By-Laws Ad-hoc Committee Meeting
- June 3 – Meeting with Mr. Hauptmann
- June 6 – Mental Health Ad-hoc Committee Meeting
- June 12 – Meeting with Vice-Chair Adams
- June 17 – Meeting with Vice-Chair Adams and Mr. Hauptmann, CPRC Manager
- June 25 & 26 – Mental Health Training Sessions at Riverside Police Department

Commissioner Rotker:

- May 28 – Policies, Procedures, & By-Laws Ad-hoc Committee Meeting

Commissioner Roberts:

- Discussion with NACOLE Finance Board Member

Commissioner Hawkins:

- May 28 – Policies, Procedures, & By-Laws Ad-hoc Committee Meeting

Commissioner Ybarra:

- June 6 – Mental Health Ad-hoc Committee Meeting
- June 25 & 26 – Mental Health Training Sessions at Riverside Police Department

CPRC Ad-hoc Committees

Reports from Committee Chairs, with Commission discussion and action, if any, regarding respective Committee activities and / or recommendations:

- A)** Policies, Procedures, and Bylaws Committee: Commissioner Rotker – Chair
- B)** Outreach Committee: Vice-Chair Adams – Chair
- C)** Policing and Mental Health Committee: Vice-Chair Adams – Chair
- D)** NACOLE 2015 Conference Planning Committee: Commissioner Roberts – Chair

Chair Jackson opened by asking the Committee Chairs for each Committee to give a brief report of their activities. She also said consideration had been given to requesting that brief minutes of the meetings be submitted, if available. She said that if the meeting was relatively brief, minutes wouldn't be needed, but if there were several items that were discussed, the minutes would help her and Mr. Hauptmann know the activities of the Committees. She then asked Commissioner Rotker to report on the Policies, Procedures, and Bylaws Committee.

A) Policies, Procedures, and Bylaws Committee

Commissioner Rotker said that the new Committee members had been oriented and given information regarding their issued assignments. He said the Committee is making slow progress.

B) Outreach Committee

Vice-Chair Adams reported that the Outreach Committee met on June 11 and assignments were given to each member. Her assignment was to contact the Alvord and Riverside School Districts regarding access to government or civics classes and their at-risk programs. She contacted the Assistant Superintendent of Instruction for each school district and said she heard back from the Riverside School District. She said the woman who contacted her was very excited about the possibilities. Vice-Chair Adams said the woman would contact her again in August regarding CPRC presentations in their Government classes.

Vice-Chair Adams said that the Committee discussed creating a PowerPoint / video presentation that could be used by Commissioners at Outreach events and posted on the CPRC website. There was discussion about what should be in the presentation. She spoke with Mr. Hauptmann about this and he said he would prepare the PowerPoint. She noted that while there would probably be additions over time, a basic presentation would initially be prepared telling about the Commission and what it does.

Vice-Chair Adams noted that Commissioner Ortiz was to contact Operation Safehouse. This was done and some Committee members toured the location on June 18th.

Commissioner Ortiz was also going to take CPRC brochures to the Inland Empire Latino Lawyers Association; this task was accomplished.

Commissioner Taylor contacted the Path of Life Ministries, which has numerous programs that would provide good Outreach opportunities. This would not be pursued until the PowerPoint / video presentation is ready.

Vice-Chair Adams also reported that the Committee would be speaking with Asst. Chief Vicino about the "Outstanding Respect for the Community" Award.

Vice-Chair Adams ended her Outreach Committee report by noting that all the assignments had been completed.

C) Policing and Mental Health Committee

Vice-Chair Adams reported that the Mental Health Committee had decided to wait on giving any recommendations until after they had attended the Mental Health Training Sessions. She said that the Committee Members - Chair Jackson, Commissioner Ybarra, and herself – were attending the training sessions.

Vice-Chair Adams ended her report by noting that the Committee would be meeting again on July 11.

D) NACOLE 2015 Conference Planning Committee

Commissioner Roberts reported that the NACOLE 2015 Conference Planning Committee had not met recently, but noted that Committee Members had been given assignments at the last meeting. She said that the use of the Historic Courthouse needed to be confirmed as well as the catering for that event. She asked Commissioner Ortiz about the status of the catering and the sponsorship of his employer, Best Best & Krieger.

Commissioner Ortiz said a teleconference was scheduled with Best Best & Krieger for June 26. Discussion would include its willingness to sponsor the reception at the Courthouse. He said that he planned to contact Salted Pig or W. Wolfskill about catering, but that the money for catering needed to be confirmed first.

Commissioner Roberts asked Mr. Hauptmann if he had scheduled a meeting with "BL" (Lt. Jaybee Brennan). Mr. Hauptmann said he would when asked.

Commissioner Roberts suggested that the next Committee meeting be held on June 27 or July 11. After minimal discussion, the next meeting was scheduled for July 11 at 3 PM.

Chair Jackson advised that the Historic Courthouse would definitely be used, but that a decision had to be made about who would be doing the catering. She also said that NACOLE had made the decision to hold the SANKOFA event in the Atrium at the Mission Inn.

OLD BUSINESS

Bond Officer-Involved Death (OID) Case Evaluation

Continued discussion and action, if any, on the Bond OID Case Evaluation. The Commission may return to discussion of completed Stages, if needed.

- A) Stage I – Commission Member Review: Completed**
- B) Stage II – Fact Finding, Request for Training & Investigation: Completed**
- C) Stage III – Policy and Procedure Process: Completed**
- D) Stage IV – Deliberation and Finding Process: In Process**
- E) Stage V – Recommendation Process: In Process**
- F) Stage VI – Written Public Report**

Chair Jackson opened by noting they were now on the final Stage, the Written Public Report. She said she hadn't seen any change requests and then asked if Commissioners had any comments or questions.

Commissioner Rotker said that the report was well done and that he had no changes or modifications to make. He said he was ready to approve the report.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
That the Commission approve the Bond OID public report	Rotker	Adams	Unanimous	0	0

Chair Jackson said this concluded the Bond OID until the Administrative information was received.

Sherron Officer-Involved Death (OID) Case Evaluation

Continued discussion and action, if any, on the Sherron OID Case Evaluation. The Commission may return to discussion of completed Stages, if needed.

- A) Stage I – Commission Member Review: Completed
- B) Stage II – Fact Finding, Request for Training & Investigation: Completed
- C) Stage III – Policy and Procedure Process: Completed
- D) Stage IV – Deliberation and Finding Process: In Process
- E) Stage V – Recommendation Process: In Process
- F) Stage VI – Written Public Report

Chair Jackson began by noting her request at the last meeting that Commissioners have their rationales and findings ready for this meeting. She then opened for discussion.

Commissioner Ybarra said that he believed all the officers were justified in their actions, but felt they should have taken a bit more time before going in. He said that Mr. Sherron set the shooting in motion.

Commissioner Rotker said this was a classic case of suicide by cop. He said that the officers acted responsibly and that Mr. Sherron didn't heed the officers' commands.

Commissioner Ortiz agreed with Commissioner Rotker that it was suicide by cop. He said that Mr. Sherron's actions were such as to elicit the use of deadly force by the officers and that he believed the officers acted reasonably.

Mr. Hauptmann said he had been asked by Commissioner Taylor to read Commissioner Taylor's recommendations due to his absence. Areas of concern expressed by Commissioner Taylor were officer training, officer safety, and the manner in which the incident was handled: 1) the coordination of the officers' response; 2) proper intelligence relayed from Dispatch and that attempts be made to keep reporting parties on the phone or call back if disconnected; 3) consider surroundings and that the evacuation of the apartments should have been considered; the location of the unaccounted rounds as only 3 of the 13 rounds fired struck Mr. Sherron; 4) the use of SWAT; 5) the manner in which the officers' were stacked which resulted in an unsafe crossfire situation; 6) some of the sergeants were unhappy about the manner in which the incident was handled.

(For the full version of Commissioner Taylor's recommendations that were read by Mr. Hauptmann, please check the audio recording for this meeting.)

Vice-Chair Adams said she, too, had concerns about the stacking. She noted two sergeants who were on-scene, questioned that as well. She said that a different configuration of officers would have been appropriate. She said she also agreed with the safety issues raised by Commissioner Taylor. She said she believed that the officers' actions were within policy.

Commissioner Ortiz echoed Commissioner Taylor's concern about the safety of those in the neighboring apartments and said he would like to see that as a recommendation.

Commissioner Roberts agreed that the officers' actions were within policy. She also expressed concern about the stacking issue because it was not safe. She noted that there was no area for concealment, especially for the civilians who were nearby. She said that officer safety, as well as the safety of the residents should have been considered and that Commissioner Taylor made some good recommendations.

Chair Jackson said that formal recommendations could be considered, but recommended waiting until Commissioner Taylor was present.

Chair Jackson then expressed concern that Commissioner Taylor inferred that the dispatcher was not on the phone when, in fact, the dispatcher was on the phone with Mr. Sherron when the officers arrived. Chair Jackson said that her greatest concern was that the dispatcher was on the phone for 20 minutes before the officers arrived there and that she felt it took too long for them to respond. She said she knew there might have been some prior coordination involved, but still felt that 20 minutes was too long a time when responding to somebody threatening to kill themselves. She said she believed that the officers' actions were within policy.

Commissioner Ybarra said that, regarding the 20 minutes, exigency could not be created. He said that amount of time is not really a long time when it's being used to form a plan. He said that if that time is being used to wait for "the right and appropriate" resources and briefing the officers, it's not an unreasonable amount of time. He said that sometimes officers do react too quickly and create their own exigency and maybe, in this, the delay was caused because they didn't want to act too quickly. He noted that it was unknown whether the delay was in contacting Mr. Sherron or their arrival on scene.

Chair Jackson asked if there were any additional comments before making a finding. As there were none, she asked for a motion to be made.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
That the actions of the involved officers in the Sherron OID were Within Policy	Ortiz	Rotker	Unanimous	0	0

Chair Jackson asked Commissioners to send their recommendations to Mr. Hauptmann and copy Ms. Sherron. She also asked that all rationales be submitted so that Mr. Hauptmann could begin drafting the public report and asked Mr. Hauptmann if he could begin the report now or if he needed to wait for the recommendations. Mr. Hauptmann said he could begin the draft but that the recommendations would be included once he had all the rationales.

Commissioner Rotker asked if recommendations would actually be made. Chair Jackson said it appeared that that would happen. Commissioner Rotker asked that they be given an opportunity to review all the recommendations before a decision is made to submit them.

Chair Jackson asked Mr. Hauptmann if the recommendations could be gathered and provided to Commissioners prior to the next meeting. Mr. Hauptmann said that could be done.

Chair Jackson said she would make sure the informal recommendations were made available to Commissioners so they could be discussed at the next meeting. She noted that Mr. Hauptmann would also begin drafting the public report although it would not be ready for approval at the next meeting without the recommendations in place.

NEW BUSINESS

Ciaramella Officer-Involved Death (OID) Case Evaluation

Begin discussion on the Ciaramella OID Case Evaluation. The Commission may return to discussion of completed Stages, if needed.

- A) CPRC Investigator Mike Bumcrot: Case Presentation and Commission Questions
- B) Stage I – Commission Member Review: In Process
- C) Stage II – Fact Finding, Request for Training & Investigation
- D) Stage III – Policy and Procedure Process
- E) Stage IV – Deliberation and Finding Process
- F) Stage V – Recommendation Process
- G) Stage VI – Written Public Report

Chair Jackson opened by welcoming Mr. Bumcrot to speak on his review and investigation regarding this case.

Mr. Bumcrot gave a brief review of the how the incident evolved and that it ended when officers used deadly force to stop Mr. Ciaramella, who was using the stolen car he was driving as a weapon against them. Mr. Bumcrot said that there seem to be more officer-involved shootings where the suspects use vehicles as a weapon against officers. He said that he had recently received information that the US Supreme Court ruled on a similar incident in which they justified the use of deadly force to stop the driver of a vehicle who was a danger to the public. He noted that the decision had not been included in his final report because he had just received it. He said that the Court also ruled that "if a police officer is justified in firing at a suspect in order to end a threat to public safety, the officers need not stop shooting until the threat is ended."

Mr. Bumcrot then asked if there were any questions.

Chair Jackson asked which officer was driving the car Mr. Ciaramella was aiming for. Mr. Bumcrot said that Officer Corey Oakes was driving. His partner said he was getting out of the car and dropped down when he heard the shooting.

Chair Jackson asked if Officer Oakes partner officer did any shooting. Mr. Bumcrot said he did not do any shooting.

Commissioner Rotker asked Mr. Hauptmann if the CPRC Investigator could give his opinion on RPD's tactics. Mr. Hauptmann said the investigator could not because that is not the investigator's function. Mr. Hauptmann said it is not the investigator's job give his opinion on RPD's tactics, but to ensure that the investigation was done properly.

Commissioner Rotker then asked if the photos he had requested had been taken. Mr. Hauptmann said he had, in error, not asked Mr. Bumcrot to take pictures.

After some additional discussion, Mr. Bumcrot was asked to take photos of scenes during his canvass of the incident location.

Chair Jackson thanked Mr. Bumcrot for his time and asked that he forward the Supreme Court case information to the Commission. Mr. Bumcrot said he would, but also noted the name of the case was [Plumhoff v. Rickard](#).

Chair Jackson recapped by noting that the public portion of the Bond OID was done, asked that recommendations for the Sherron OID be sent to Staff, and that the Ciaramella OID was at Stage I.

Commission Member Comments

Pursuant to Government Code Section 54954.2, Commission members may use this time to make brief announcements or a brief report on their own activities.

Commissioner Ortiz officially informed the Commission of his resignation due his recent move from Ward 2 to Ward 3 and expressed his thanks for the privilege of serving.

Chair Jackson said she was sad at losing him, but hoped he would stay involved with planning of the 2015 NACOLE Conference. Commissioner Ortiz said he was glad to see NACOLE come to Riverside and would try to stay involved.

Commissioners Ybarra and Hawkins thanked Commissioner Ortiz for his service.

Commissioner Roberts thanked Commissioner Ortiz also and noted they would see him in the future because of NACOLE.

Commissioner Rotker said "we will try to get you back."

Vice-Chair Adams said Commissioner Ortiz would be missed and welcomed him to "the best ward in the City."

Staff Report

Mr. Hauptmann said that he checked with the City Clerk's Office and the City Attorney's Office. He learned that even though Commissioner Ortiz still owned the house in Ward 2, he was no longer living there and because of that, he had to resign.

Mr. Hauptmann said that Commissioner Ortiz was an asset to the Commission and that he would be missed.

Mr. Hauptmann had nothing additional to report.

Items for Future Commission Consideration

Vice-Chair Adams asked Mr. Hauptmann about the status of Lt. Loftus' report concerning the OID issue.

Mr. Hauptmann said that the recommendations that had come as a result of RPD's review of the situation were in the process of being put into policy.

Vice-Chair Adams said she had been under the impression that there would be additional discussion between RPD and CPRC.

Mr. Hauptmann said he would check with RPD.

Chair Jackson asked Mr. Hauptmann to confirm whether or not they would be meeting with RPD again on the OID issue. She also informed the Commission that Lt. Larry Gonzalez was now the CPRC / RPD liaison.

Chair Jackson then called for a brief recess while the Commission adjourned to the Boardroom for Closed Session Case Review.

Closed Session – Case Review

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 7:06 PM to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

	CPRC CASE NO.	RPD CASE NO.
1)	14-008	PC-14-03010
2)	14-011	PC-14-03013
3)	13-026	PC-13-07042

Adjournment

The Commission adjourned at 8:00 PM.

Respectfully submitted,



PHOEBE SHERRON
Sr. Office Specialist

06-25-14 Minutes – Jun Regular